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SCHIFF HARDIN & WAITE
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, IL 60606

EXAMINER

PIZIALI, JEFFREY J

ART UNIT	PAPER NUMBER
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2629

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/725,299	Applicant(s) BECK ET AL.	
	Examiner Jeff Piziali	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the figures.

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

"An appertaining" (claim 9, line 4) is nowhere to be found in the specification.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 1 is indefinite where it specifies **"preset operating values"** (in line 3), since **"preset,"** according to Applicant's definition, merely means *"set beforehand"* or *"determined beforehand."* For example, see *Joseph E. Seagram & Sons, Inc. V. Marzall, Comr. Pats.*, 84 USPQ 180 (Court of Appeals, District of Columbia).

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9. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

An omitted structural cooperative relationship results from the claimed subject matter: **"setting one or more of the operating values and the parameter values"** (in lines 5-6). It would be unclear to one having ordinary skill in the art whether merely **"setting one of the operating values"** reads on this limitation; or rather whether it is necessary to at least **"set one of the operating values and set one of the parameter values."**

An omitted structural cooperative relationship results from the claimed subject matter: **"preset"** (in line 3), **"manually setting"** (in line 5), and **"set or preset"** (in line 7). It would be unclear to one having ordinary skill in the art whether **"set"** is meant to refer back to **"manually setting"**; or rather whether **"set"** is supposed to refer back to **"preset."** Any **"preset"** is inherently **"set,"** is it not?

Additionally, an artisan would find it unclear how such a **"manually set value"** in any way shape or form distinguishes from the **"preset value."** A **"preset value"** is merely a value that was **"manually set"** at some indefinite beforehand point in time, is it not? And if a **"manually setting"** step somehow changes or alters **"a value;"** it would be unclear to an artisan how it's even possible to **"manually set one or more of the operating values"** when those **"operating values"** have been previously identified as being **"preset."**

An omitted structural cooperative relationship results from the claimed subject matter: "***a text or graphic display element***" (in line 7). It would be unclear to one having ordinary skill in the art whether "***text***" or a "***graphic display element***" are being claimed; or rather whether a "***text display element***" or a "***graphic display element***" are being claimed.

An omitted structural cooperative relationship results from the claimed subject matter: "***displaying set or preset said operations and said parameter values***" (in lines 7-8). It would be unclear to one having ordinary skill in the art whether "***set or preset parameter values***" are being displayed; or rather whether "***said parameter values***" are being displayed.

An omitted structural cooperative relationship results from the claimed subject matter: "***simultaneously display***" (in line 10); "***simultaneously display***" (in line 12); and "***simultaneously display***" (in line 15). It would be unclear to one having ordinary skill in the art whether all the claimed displays occur simultaneously with each; or rather whether each "***simultaneously display***" occurs during distinct periods of time.

Additionally, an artisan would find it unclear how any such "***simultaneous displays***" could transpire when no requisite "***display***" is being claimed. The claim recites, "***an operating device... comprising... a text or graphic display element for displaying set or preset said operations...***" (see lines 1-7) but then claims "***to simultaneously display the display element***" (in lines 10, 12, and 15). It seems more than a little counterintuitive to display something that is designed for displaying something else.

10. Claim 1 recites the limitation "*said operations*" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim. There exists no antecedent basis for "*operations*" in the claim.

11. Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph, as being dependent upon a rejected base claim.

12. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

An omitted structural cooperative relationship results from the claimed subject matter: "*simultaneously*" (in claim 6, line 3); "*simultaneously display*" (in claim 1, line 10); "*simultaneously display*" (in claim 1, line 12); and "*simultaneously display*" (in claim 1, line 15). It would be unclear to one having ordinary skill in the art whether all the claimed events occur simultaneously with each; or rather whether each "*simultaneous*" event transpires during distinct periods of time.

13. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being dependent upon a rejected base claim.

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14. Claim 8 is indefinite where it specifies "***preset operating values***" (in line 5), since "***preset***," according to Applicant's definition, merely means "*set beforehand*" or "*determined beforehand*." For example, see *Joseph E. Seagram & Sons, Inc. V. Marzall*, Comr. Pats., 84 USPQ 180 (Court of Appeals, District of Columbia).

15. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

An omitted structural cooperative relationship results from the claimed subject matter: "***preset operating values***" (in line 5) and "***manually setting the operating values***" (in line 8). An artisan would find it unclear how such a "***manually set value***" in any way shape or form distinguishes from the "***preset value***." A "***preset value***" is merely a value that was "***manually set***" at some indefinite beforehand point in time, is it not? And if a "***manually setting***" step somehow changes or alters "***a value***," it would be unclear to an artisan how it's even possible to "***manually set the operating values***" when those same "***operating values***" have been previously identified as being "***preset***."

An omitted structural cooperative relationship results from the claimed subject matter: "***a second adjustment mode***" (in line 10). There is insufficient antecedent basis for a "***first adjustment mode***." It would be unclear to one having ordinary skill in the art whether there is one single "***adjustment mode***" being claimed; or rather whether there are two distinct and independent "***adjustment modes***" being claimed.

An omitted structural cooperative relationship results from the claimed subject matter: "***text or graphic display elements***" (in line 11). It would be unclear to one having ordinary skill in the art whether "***text or graphic display elements***" are being claimed; or rather whether "***text display elements***" or "***graphic display elements***" are being claimed.

16. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

An omitted structural cooperative relationship results from the claimed subject matter: "***a display region***" (in line 2); "***a display area***" (in line 2); "***text or graphic display elements***" (in line 11); and "***a constant display***" (in line 11). It would be unclear to an artisan whether the "***display region***", the "***display area***", and/or the "***text or graphic display elements***" are being held constant.

An omitted structural cooperative relationship results from the claimed subject matter: "***a second adjustment mode***" (in claim 9, line 2) and "***a second adjustment mode***" (in claim 8, line 10). There is insufficient antecedent basis for a "***first adjustment mode***." It would be unclear to one having ordinary skill in the art whether there is one single "***adjustment mode***" being claimed; or rather whether there are plural distinct and independent "***adjustment modes***" being claimed. Furthermore, it would be unclear to an artisan whether there is a single, identical "***second adjustment mode***" being claimed; or rather whether there are a plurality of separate and distinct "***second adjustment modes***."

An omitted structural cooperative relationship results from the claimed subject matter: "*a particular parameter value*" (in claim 9, line 3) and "*parameter values*" (in claim 8, lines 5-6). It would be unclear to an artisan whether the "*particular parameter value*" is a shared element of the earlier claimed "*parameter values*"; or rather whether the "*particular parameter value*" is a separate and distinct element from the earlier claimed "*parameter values*."

17. Claim 9 recites the limitation "*operational value*" in line 3. There is insufficient antecedent basis for this limitation in the claim.

18. Where Applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "*an appertaining*" (in claim 9, line 4) is used by the claim to seemingly mean "*a noun recognized in the English language*", while the accepted meaning is "*gibberish*." The term is indefinite because the specification does not clearly redefine the term. In fact, the term is nowhere to be found in the specification.

Claim Rejections - 35 USC § 102

19. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

20. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by ***Nokita (US 6,795,528 B2)***.

Regarding claim 1, Nokita discloses an operating device [Fig. 1; imaging operation unit 220] for a diagnostic imaging unit [Fig. 1; sensor 140] (see Column 3, Line 50 - Column 4, Line 53), comprising:

a selection key [Figs. 8AB; touch panel depressible imaging method object display area button 840] for activating preset operating values and parameter values [Figs. 8AB; 835 -- e.g., imaging method parameters, standard imaging conditions, imaging region, etc.] of the imaging unit;

a setting key [Fig. 8C; up and down buttons] for manually setting one or more of the operating values and the parameter values [e.g., Fig. 8C; tube voltage, tube current, exposure time, focal length, etc.] of the imaging unit;

and a text [e.g., examinee name, ID number, front cervical vertebrae, etc.] or graphic [Fig. 8B; e.g., the vertebrae graphics within image display area 825] display element [i.e., liquid

crystal display] for displaying set or preset said operations and said parameter values of the imaging unit;

the operating device being configured to simultaneously display the display element and the selection key (see Fig. 8B);

the operating device being configured to simultaneously display the display element and the setting key (see Fig. 8C);

wherein the operating device is configured to simultaneously display the display element and only one of the selection key and the setting key (see Figs. 8ABC; Column 10, Line 3 - Column 11, Line 9 -- wherein the overlying window in Fig. 8C blocks the display of the selection key when the setting key is displayed).

Regarding claim 2, Nokita discloses the operating device is designed as a touch-sensitive display screen [Figs. 8ABC; touch panel 810] (see Column 10, Lines 6-16).

Regarding claim 3, Nokita discloses a display area for displaying the display element (see Figs. 8ABC; Column 10, Lines 6-26).

Regarding claim 4, Nokita discloses an operating area [e.g., the corresponding LCD touch panel input sections] for making available the selection key or the setting key (see Figs. 8ABC; Column 10, Lines 6-26).

Regarding claim 5, Nokita discloses a switchover key [Figs. 8AB; parameters modification button 850] configured to switch between a display of the selection key and the setting key (see Column 10, Lines 52-65).

Regarding claim 6, Nokita discloses a recording key [Fig. 1; X-ray exposure button 210] for triggering picture-taking that is made available both simultaneously with the selection key and simultaneously with the setting key (see Column 4, Lines 16-30 and Column 10, Lines 46-51).

Regarding claim 7, Nokita discloses the diagnostic imaging unit is an X-ray machine (see Column 3, Lines 50-54).

Regarding claim 8, this claim is rejected by the reasoning applied in rejecting claim 1; furthermore, Nokita discloses an operating device [Fig. 1; imaging operation unit 220] for a diagnostic imaging unit [Fig. 1; sensor 140] (see Column 3, Line 50 - Column 4, Line 53), comprising:

a display region [Figs. 8ABC; LCD touch panel 810] comprising a display area [Figs. 8ABC; object information display area 830 and at least a portion of parameter display area 835] that covers a portion of the display region and an operating area [Figs. 8AB; 825, 840, 845] that covers a different portion of the display region;

a selection key [Figs. 8AB; touch panel depressible imaging method object display area button 840] for activating preset operating values and parameter values [Figs. 8AB; 835 -- e.g.,

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imaging method parameters, standard imaging conditions, imaging region, etc.] of the imaging unit when the operating area is displaying in a first setting selection mode (see Figs. 8AB); and

a setting key [Fig. 8C; up and down buttons] for manually setting the operating values and-the parameter values [e.g., Fig. 8C; tube voltage, tube current, exposure time, focal length, etc.] of the imaging unit when the operating area is displaying in a second adjustment mode (see Fig. 8C);

the display area which displays text or graphic display elements [e.g., examinee name, ID number, 72kV tube voltage] related to the operating values and the parameter values configured to maintain a constant display when switching the operating area between the first setting selection mode and the second adjustment mode (see Figs. 8ABC; Column 10, Line 3 - Column 11, Line 9 -- wherein at least the examinee name, ID number, and 72kV tube voltage all remain visible and constant going from Figs. 8AB to 8C).

Regarding claim 9, Nokita discloses when the operating area is displaying in a second adjustment mode (see Fig. 8C), the setting key related to a particular parameter value or operational value [e.g., Fig. 8C; tube voltage, tube current, exposure time, focal length, etc.] is located adjacent (i.e., lying nearby) to an appertaining said text or graphic display element (see Figs. 8ABC; Column 10, Line 3 - Column 11, Line 9).

Response to Arguments

21. Applicant's arguments filed 2 January 2008 have been fully considered but they are not persuasive.

Applicant's arguments with respect to the issues of noncompliance (see the 'Notice of Non-Compliant Amendment' mailed 11 December 2007) have been considered but are moot in view of the Applicant's resubmitted Amendment (filed 2 January 2008). Even still, the Applicant's arguments on the matter are unpersuasive.

C.F.R. § 1.121(c)(2) requires, "***The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived.***" The Amendment filed 28 September 2007 improperly used strike-through to show the deletion of at least one instance of five or fewer consecutive characters (e.g., see at least Page 2, Claim 1, Line 14 of the Amendment filed 28 September 2007 -- i.e., "~~being~~"), rendering at least this deletion so as not to be easily perceived.

The Applicant contends, "***Although it is true that the double bracketing form must be used if the strike-through cannot be easily perceived, this is not the case here. By way of example, MPEP §714(II)(B) gives an illustration of where the strike-through cannot be easily seen. In this case, the number 4 is considered such a problematic strike through since the strike through cannot be seen over the cross-bar of the number 4. In the present example, the word 'being' has only one letter that would be difficult to discern because it has a similar cross-bar:***

the letter 'e'. All other letters in this word have no cross-bar and the strikethrough is easily discerned with these letters" (see Pages 1-2 of the Amendment filed 2 January 2008).

However, the examiner respectfully disagrees. MPEP §714(II)(B) merely provides two examples of deletions that are not easy to perceive: "*deletion of number '4' or certain punctuation marks.*" Although the examiner strongly concurs with the MPEP's assessment of such deletions; nowhere does the MPEP say or insinuate that those are the only two cases of deletions that are not easy to perceive.

The MPEP also nowhere makes the Applicant's logical leap that "*strike through cannot be seen over the cross-bar of the number 4.*" As the Applicant is now no doubt aware, the MPEP is silent when it comes to providing a concrete explanation of why the deletion of the number "4" is not easy to perceive. Moreover, 37 C.F.R. §1.121(c)(2) nowhere suggests that only text formed with "*cross-bars*" constitutes a strike-through deletion that cannot be easily perceived.

Regardless, even if arguably the Applicant's arbitrary bar for determining "*deletions that are not easy to perceive*" were set as the rule; the deletion of the word "*being*" via strike-through would have still been clearly improper. The letters "*b*," "*e*," "*n*," and "*g*" (typed in the font relied upon by the Applicant in the Amendment filed 28 September 2007) all feature prominent horizontal segments that are "*difficult to discern*" from the strike-through marking.

The Applicant next contends, "*Further evidence that this deletion is not deemed difficult to perceive is the fact that it was noted in the Notice of Non-compliance itself. Applicants understand the reasoning behind this to be so self-evident that it requires no further analysis*" (see Page 2 of the Amendment filed 2 January 2008).

The Applicant's above logic, first of all, appears to fall under the category of a *Catch 22* (which is not officially recognized by either the latest revisions of the MPEP or 37 C.F.R. §1.121).

Secondly, 37 C.F.R. §1.121 does not require, "*The text of any deleted subject matter must be shown by being placed within double brackets if strike-through is impossible to perceive.*"

Said section does not even require, "*The text of any deleted subject matter must be shown by being placed within double brackets if strike-through is difficult to perceive.*"

No. 37 C.F.R. §1.121 requires, "*The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived.*"

Therefore, even if a word's strike-through deletion can be perceived with an average degree of observation; it stands to reason that such a deletion is not necessarily compliant as set forth under 37 C.F.R. §1.121. The deletion must be "*easily perceived*" to qualify for the strike-through treatment. The word "*being*," in the context of the Applicant's claim language (and typeface choice), failed to rise to the level of being "*easily perceived*."

The Applicants conclude saying, "*Finally, Applicants note that since a previous Notice of Non-compliance had the same strikethrough format for this word, it would have been appropriate to have brought it to the Applicants' attention at this time, when it could have easily been dealt with by a simple additional edit, thereby negating the need for the time and effort of this further submission*" (see Page 2 of the Amendment filed 2 January 2008).

The examiner apologizes that these issues of noncompliance have resulted in a slight hiccup in prosecution. However, the previous '*Notice of Non-Compliant Amendment*' (mailed 21 September 2007) did warn: "*The response has not been checked to the extent necessary to determine the presence of all possible non-compliance errors. If additional issues of non-compliance are discovered at the time of a subsequent response, yet another Notice of Non-Compliant Amendment will be necessitated. Applicants' cooperation is requested in correcting any other errors of which applicants may become aware.*"

It is ultimately the Applicant's responsibility to file Amendments in accordance with C.F.R. § 1.121. Nonetheless, the Applicant is thanked for now correcting this issue of noncompliance, and for giving the examiner's earlier reasons of noncompliance such careful consideration.

Pertaining to the art-based rejections, the Applicant contends, *"Thus, with the amended claim language, while Figures 8A and 8B of Nokia disclose a simultaneous display on an LCD of an imaging method object 840 (which the Examiner reads on the selection key) and parameter values 835, and Figure 8C of Nokia discloses a simultaneous display on the LCD of arrow adjustment keys (which the Examiner reads on the setting key), with parameter values, the display of Nokia does not meet the last claimed element, namely, that the simultaneous display includes the display element and only one of the selection key and setting key. The display of Nokia displays both"* (see Page 9 of the Amendment filed 2 January 2008).

However, the examiner respectfully disagrees. Nokita discloses the operating device [Fig. 1; imaging operation unit 220] is configured to simultaneously display [via Figs. 8ABC's LCD touch panel 810] the text [e.g., examinee name, ID number, front cervical vertebrae, etc.] or graphic [Fig. 8B; e.g., the vertebrae graphics within image display area 825] display element and only one of the selection key [Figs. 8AB; touch panel depressible imaging method object display area button 840] and the setting key [Fig. 8C; up and down buttons] (see Figs. 8ABC; Column 10, Line 3 - Column 11, Line 9) Wherein the overlying window in Fig. 8C blocks the display of the selection key when the setting key is displayed.

The Applicant also contends, *"Furthermore, to the extent that the overlying window in Nokia's Figure 8C were to be designed to cover the entire display area (even though this is not disclosed by Nokia), then the limitation relating to the display element would not be met, as the portion of the display illustrating parameter values in the new overlay window are not the*

display element of Figures 8A and 8B, which would be covered by such an overlying window"
(see Page 9 of the Amendment filed 2 January 2008).

Again, the examiner respectfully disagrees. Nokita discloses the operating device [Fig. 1; imaging operation unit 220] being configured to simultaneously display [via Figs. 8ABC's LCD touch panel 810] the text [e.g., examinee name, ID number, front cervical vertebrae, etc.] or graphic [Fig. 8B; e.g., the vertebrae graphics within image display area 825] display element and the selection key (see Fig. 8B); and the operating device being configured to simultaneously display the display element and the setting key [Fig. 8C; up and down buttons] (see Fig. 8C; Column 10, Line 3 - Column 11, Line 9 -- wherein text or graphic display elements are clearly shown in all Figs. 8ABC).

Additionally, Nokita discloses the display area which displays text or graphic display elements [e.g., examinee name, ID number, 72kV tube voltage] related to the operating values and the parameter values configured to maintain a constant display when switching the operating area between the first setting selection mode and the second adjustment mode (see Figs. 8ABC; Column 10, Line 3 - Column 11, Line 9 -- wherein at least the examinee name, ID number, and 72kV tube voltage all remain visible and constant going from Figs. 8AB to 8C).

By such reasoning, rejection of the claims is deemed necessary, proper, and thereby maintained at this time.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff Piziali/
Primary Examiner, Art Unit 2629
10 April 2008